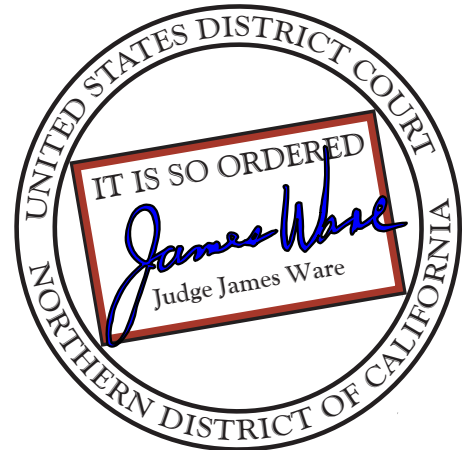


Anthony Boskovich, No. 121198
 policemisconduct@compuserve.com
 Law Offices of Anthony Boskovich
 28 N. First Street, 6th Floor
 San Jose, California 95113-1210
 408-286-5150
 Attorney for plaintiff JEFF WHISTLER



IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEFF WHISTLER,
Plaintiff,
 v.

COUNTY OF SANTA CLARA; EDWARD FLORES, individually and in his capacity as Chief of the Santa Clara County Department of Correction; ROBERT SILLEN, individually and in his capacity as Executive Director of the Santa Clara Valley Health and Hospital System; JOHN DOE 1, individually and in his or her capacity as Medical Director of the Santa Clara Valley Health and Hospital System, whose true name is unknown to plaintiff at this time; JOHN DOE 2, individually and in his or her capacity as Medical Director of Santa Clara Valley Custody Health System, whose true name is unknown to plaintiff at this time; NURSES NANCY DOE and RACHEL ROE, individually and in their capacities as nurses in the Santa Clara County jail system, the identities and exact numbers of whom are unknown to plaintiff at this time; MARIA JUAREZ-REYES, M.D., PH.D.; DOCTORS MICHAEL MOE and LINDA LOE, individually and in their capacities as physicians performing services for Santa Clara jail inmates, the identities and exact numbers of whom are unknown to plaintiff at this time; SERGEANT SCIMECA, BADGE NO. 1601, individually and in his capacity as a corrections sergeant for the Santa Clara County Department of Corrections; CARL

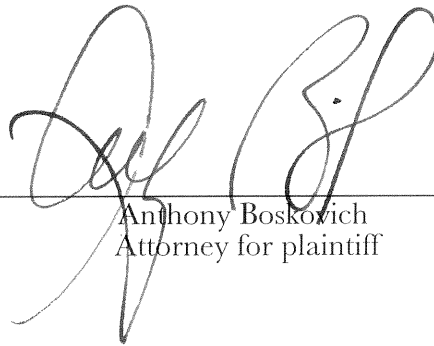
No. C 06-02538 JW

JOINT RESPONSE TO ORDER
 TO SHOW CAUSE ;
 ORDER GRANTING CONTINUANCE
 OF ORDER TO SHOW CAUSE
 HEARING

1 COE and PAULA POE, individually and in their)
 2 capacities as corrections officers for the Santa Clara)
 3 County Department of Corrections, the identities)
 4 and exact numbers of whom are unknown to)
 plaintiff at this time; DOES 3 to 100,)
Defendants.)

5
 6 This matter resolved in March 2007 contingent upon release of a lien for medical services
 7 by Medi-Cal in the amount of \$55,000. Counsel diligently attempted to compromise the lien, and
 8 ultimately Medi-Cal wanted proof that the settlement was not based upon injuries for which Medi-
 9 Cal provided services. A letter from Dr. Chyorny was prepared and submitted to Medi-Cal, which
 10 stated that this was insufficient. A letter from defense counsel was then submitted describing the
 11 basis for the settlement. On 10 October 2007 at 3:00 P.M. counsel for plaintiff received verbal
 12 notification from Medi-Cal that the lien would be released based upon the documentation provided.
 13 There is now no obstacle to resolution, but, in an abundance of caution, counsel request that the
 14 Order to Show Cause be set aside and that 45 days be granted in which to receive written
 15 confirmation from Medi-Cal, tender the settlement funds, and file a dismissal.

16
 17 Dated: 10 October 2007

18
 19
 20


Anthony Boskovich
 Attorney for plaintiff

21
 22
 23
 24
 25
 26
 27
 28

 Gregory Sebastinelli
 Attorney for defendants

1 COE and PAULA POE, individually and in their)
2 capacities as corrections officers for the Santa Clara)
3 County Department of Corrections, the identities)
4 and exact numbers of whom are unknown to)
5 plaintiff at this time; DOES 3 to 100,)
6 *Defendants.*

7 This matter resolved in March 2007 contingent upon release of a lien for medical services
8 by Medi-Cal in the amount of \$55,000. Counsel diligently attempted to compromise the lien, and
9 ultimately Medi-Cal wanted proof that the settlement was not based upon injuries for which Medi-
10 Cal provided services. A letter from Dr. Chyorny was prepared and submitted to Medi-Cal, which
11 stated that this was insufficient. A letter from defense counsel was then submitted describing the
12 basis for the settlement. On 10 October 2007 at 3:00 P.M. counsel for plaintiff received verbal
13 notification from Medi-Cal that the lien would be released based upon the documentation provided.
14 There is now no obstacle to resolution, but, in an abundance of caution, counsel request that the
15 Order to Show Cause be set aside and that 45 days be granted in which to receive written
16 confirmation from Medi-Cal, tender the settlement funds, and file a dismissal.

17 Dated: 10 October 2007

18
19
20
21 Anthony Boskovich
22 Attorney for plaintiff

23
24
25 Gregory J. Sebastinelli
26 Attorney for defendants

27 **ORDER**

28 Based on the Joint Response above, the Court finds good cause to continue the Order to
Show Cause Re: Settlement hearing currently scheduled for October 22, 2007 to **December 10,**
2007 at 9 AM. This is the parties' final continuance.

Dated: October 18, 2007


JAMES WARE
United States District Judge

Law Offices of Anthony Boskovich 23 North First Street, 6th Floor, San Jose, CA 95113 (408) 286-5150